

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDWARD EUGENE LEWIS,

Defendant.

8:05CR447

ORDER

Defendant Edward Eugene Lewis appeared before the Court on Thursday, May 24, 2018, on an Amended Petition for Warrant for Offender Under Supervision [62]. Defendant was represented by Assistant Federal Public Defender Michael J. Hansen, and the United States was represented by Assistant U.S. Attorney Susan T. Lehr. Defendant waived his right to a preliminary hearing as to allegations 1-7, and a preliminary hearing was held as to allegation 8. As the government failed to establish probable cause during the hearing, allegation 8 must be dismissed. Fed. R. Crim. P. 32.1(b)(1)(C). The Amended Petition establishes probable cause as to the remaining allegations. Defendant should therefore be held to answer for a final dispositional hearing before Chief Judge Smith Camp as to allegations 1-7.

A detention hearing was held upon the government's motion for detention. Both parties were afforded an opportunity to present evidence and make argument. Defendant failed to meet his burden to establish by clear and convincing evidence that he is not likely to flee or pose a danger to the safety of any other person or the community if released. Fed. R. Crim. P. 32.1(a)(6). Defendant should therefore be detained pending the final dispositional hearing before Chief Judge Smith Camp. 18 U.S.C. § 3143(a)(1).

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on July 5, 2018, at 9:30 a.m. Defendant must be present in person.

2. Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 24th day of May, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge